

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	
Juan Eliacim Martinez,)	CASE NO: 3:17-bk-00752
Debtor.)	Chapter 7
)	Judge Harrison
)	
<hr style="width:30%; margin-left:0;"/>)	
Bradley Legal Group, P.A.,)	
Plaintiff.)	ADV. PROC. NO. 17-90135
)	
v.)	
)	
Juan Eliacim Martinez,)	
Defendant.)	

RULE 12 MOTION TO DISMISS
ADVERSARY PROCEEDING TO DETERINE DISCHARGEABILITY FILED BY
BRADLEY LEGAL GROUP, P.A.

Comes Juan Eliacim Martinez, by and through counsel, and hereby responds to the Adversary Proceeding to Determine Dischargeability filed by Bradley Legal Group, P.A.

1. The Debtor, through counsel, and pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, moves the Court to dismiss the pending Adversary Proceeding to Determine Dischargeability for failure to state a claim upon which relief can be granted.
2. In support of this motion it would be shown the 341 notice to creditors set the deadline for filing complaints and exceptions to discharge on May 5, 2017. The Adversary Proceeding to Determine Dischargeability filed by Bradley Legal Group, P.A. and John F. Bradley was filed with the Bankruptcy Court Clerk's office and stamped filed on May 8, 2017.
3. The Plaintiffs, Bradley Legal Group, P.A. and John F. Bradley, are listed in the address matrix filed with the petition and schedules and received notice of the 341 meeting to be held on March 6, 2017.

4. The Debtor attended the 341 meeting, and there has been no request filed to extend time for filing complaints or exceptions to discharge.
5. Bankruptcy Rules 1017(e) and 4007(c) provide a motion or complaint to dismiss or determine dischargeability may be filed no later than 60 days after the first date set for the meeting of creditors under section 341(a).

PREMISES CONSIDERED, the Debtor moves for dismissal of the Adversary Proceeding filed by Bradley Legal Group, P.A. and John F. Bradley.

Respectfully submitted,

/s/Lewis G. Burnett, Jr.
Lewis G. Burnett, Jr. Reg. #6463
Attorney for Debtor
Long, Burnett, & Johnson PLLC
302 42nd Ave. No.
Nashville, Tennessee 37209
(615) 386-0075 phone (615) 864-8419 fax
ecfmail@tennessee-bankruptcy.com

CERTIFICATE OF SERVICE

I hereby certify on May 16, 2017 that a true and correct copy of the foregoing has been sent through the CM/ECF system to the United States Trustee; Michael Gigandet Chapter 7 Trustee; and by CM/ECF system and U.S. Mail to Bradley Legal Group, P.A. and John F. Bradley, 15 Northeast Avenue, Ft. Lauderdale, FL 33501.

/s/Lewis G. Burnett, Jr.
Lewis G. Burnett, Jr.